

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CORONAVIRUS REPORTER, et al.,

Plaintiffs,

v.

APPLE INC., et al.,

Defendants.

Case No. [21-cv-05567-EMC](#)

**ORDER RE NOTICE OF RELATED  
CASE**

Docket No. 15

Plaintiffs initiated this putative class action against Apple, Inc. and the Federal Trade Commission in late July 2021. In their complaint, they assert, *inter alia*, antitrust and RICO claims against Apple. As to the FTC, Plaintiffs assert that the agency has unlawfully withheld or unreasonably delayed action in violation of the Administrative Procedure Act.

For the antitrust claims, Plaintiffs seek to represent a class of “[a]ll U.S. developers of any Apple iOS application that was excluded through disallowance and/or ranking suppression on Apple’s iOS App Store”; a class of “[a]ll U.S. developers of any Apple iOS application or in-app product subject to a 30% sales commission [on] Apple’s iOS App Store”; and a class of “[t]he millions of U.S.-based iOS developers who were required to sign the DPLA and pay Apple \$99 simply to access the 60% of the population that uses smartphone enhanced services (i.e., iOS) over the national internet backbone.” Compl. ¶¶ 180, 182, 184.

For the APA claim, Plaintiffs allege that the FTC has failed to act on their complaint asking for assistance in prosecuting antitrust claims against Apple.

On August 4, 2021, Apple filed a notice in which it asserted that the instant case is related to *Cameron v. Apple Inc.*, No. C-19-3074 YGR (N.D. Cal.). See Docket No. 15 (notice). Apple

also asserted that the instant case should be consolidated with *Cameron* per Judge Gonzalez Rogers consolidation order in that case.

On August 5, 2021, Plaintiffs objected to any request for relation and further “referred” Apple and/or its counsel to the Court for misconduct – apparently, because Apple and/or its counsel invoked the incorrect subsection of Civil Local Rule 3-12 which governs related cases.

To the extent Plaintiffs seek any relief against Apple for misconduct, the request is **DENIED.**

To the extent Apple has argued that the instant case should be related to *Cameron*, such a request should be presented to Judge Gonzalez Rogers in the first instance. The Court therefore refers the request to relate, and Plaintiffs’ objection thereto, to Judge Gonzalez Rogers.

**IT IS SO ORDERED.**

Dated: August 5, 2021



EDWARD M. CHEN  
United States District Judge